

AMENDED IN SENATE APRIL 27, 2006  
AMENDED IN ASSEMBLY JANUARY 26, 2006  
AMENDED IN ASSEMBLY MARCH 30, 2005  
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 425**

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**Introduced by Assembly Member Negrete McLeod**

February 15, 2005

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~~An act to amend Section 22443 of the Business and Professions Code, relating to immigration consultants relating to crime.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 425, as amended, Negrete McLeod. ~~Immigration consultants. Organized retail crime.~~

*Existing law provides that criminal conspiracy occurs when two or more persons conspire to commit any crime and that it is punishable, when they conspire to commit a felony, in the same manner and to the same extent as is provided for the punishment of that felony.*

*This bill would make various legislative findings and declarations concerning the impact of organized retail crime.*

~~Under existing law, the Department of Consumer Affairs regulates persons engaged in the business or acting in the capacity of an immigration consultant. A violation of these provisions is a crime. Existing law requires a person engaged in the business or acting in the capacity of an immigration consultant to provide clients with a copy of each document or form completed on behalf of the client. Existing law requires that each document and form include the name and address of the immigration consultant.~~

~~This bill would require immigration consultants to include additional information on all forms, documents, petitions, and correspondence. Because a violation of the bill would be a crime, it would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~*no*. State-mandated local program: ~~yes~~*no*.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. The Legislature finds and declares each of the*
- 2     *following:*
- 3     *(a) Organized retail crime is criminal activity that involved*
- 4     *professional theft rings that steal merchandise in very large*
- 5     *quantities from grocery stores, drug stores, and other retailers.*
- 6     *(b) Organized retail crime rings typically target popular*
- 7     *consumer products that can easily be stolen and sold for a large*
- 8     *profit. Infant formula, baby food, over-the-counter drugs, razor*
- 9     *blades, batteries, teeth whitening strips, face lotions, and skin*
- 10    *creams are just a few examples of the types of products that*
- 11    *organized retail crime rings steal on a regular basis.*
- 12    *(c) Stolen products may be unsafe and pose a health risk to*
- 13    *consumer because the products may be sold after their expiration*
- 14    *date, or the expiration date may be altered. Infant formula, baby*
- 15    *food, and other perishable items are especially dangerous. In*
- 16    *addition, over-the-counter drugs and other unpreserved items*
- 17    *often need to be stored under controlled conditions and can have*
- 18    *adverse or reduced effects if these conditions are not satisfied.*
- 19    *(d) Stolen products that are subject to a recall also pose a*
- 20    *threat to consumers because a manufacturer has no way to trace*
- 21    *stolen products and, therefore, no way to notify consumers and*
- 22    *prevent the product from causing harm.*
- 23    *(e) Ill-gotten profits generated by organized retail crime rings*
- 24    *are used to support other illicit criminal activities. Recently, the*
- 25    *Director of the Federal Bureau of Investigation testified before*

1 Congress that “organized retail theft and resale of infant formula  
2 pose not only an economic threat, but a public health threat to  
3 infants and a potential source of material support to a terrorist  
4 organization.”

5 (f) Organized retail crime is a growing problem that currently  
6 costs retailers \$34 billion annually in the United States and \$3.2  
7 billion in California.

8 (g) Based on these losses, organized retail crime may be  
9 costing California over two hundred and thirty million dollars  
10 (\$230,000,000) in lost tax revenue.

11 SECTION 1. Section 22443 of the Business and Professions  
12 Code is amended to read:

13 22443. (a) A person engaged in the business or acting in the  
14 capacity of an immigration consultant shall deliver to a client a  
15 copy of each form, document, petition, or correspondence  
16 completed on behalf of the client. The following information  
17 shall be included on any form, document, petition, or  
18 correspondence prepared by an immigration consultant on behalf  
19 of a client whether or not specific space is provided on the form,  
20 document, petition, or correspondence for that information:

21 (1) The name and signature of the immigration consultant.  
22 (2) The business address of the immigration consultant.  
23 (3) The business telephone number of the immigration  
24 consultant.

25 (4) The name of the surety company that issued the bond held  
26 by the immigration consultant and the bond number.

27 (b) (1) A person engaged in the business or acting in the  
28 capacity of an immigration consultant shall retain copies of all  
29 documents and forms of a client for not less than three years  
30 from the date of the last service to the client.

31 (2) Upon presentation of a written consent signed by a client,  
32 an immigration consultant shall provide a copy of the client file  
33 to law enforcement without a warrant or a subpoena.

34 (c) (1) A person engaged in the business or acting in the  
35 capacity of an immigration consultant shall return to a client all  
36 original documents, including, but not limited to, original birth  
37 certificates, rental agreements, utility bills, employment stubs,  
38 Department of Motor Vehicle licenses with dates of entry, and  
39 passports, that the client has provided to the consultant in support  
40 of the client’s application.

1     ~~(2) Any original document that does not need to be submitted~~  
2     ~~to immigration authorities as an original document shall be~~  
3     ~~returned by the immigration consultant immediately after making~~  
4     ~~a copy or reproduction thereof.~~

5     ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
6     ~~Section 6 of Article XIII B of the California Constitution because~~  
7     ~~the only costs that may be incurred by a local agency or school~~  
8     ~~district will be incurred because this act creates a new crime or~~  
9     ~~infraction, eliminates a crime or infraction, or changes the~~  
10    ~~penalty for a crime or infraction, within the meaning of Section~~  
11    ~~17556 of the Government Code, or changes the definition of a~~  
12    ~~crime within the meaning of Section 6 of Article XIII B of the~~  
13    ~~California Constitution.~~